

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02031-JEB**

RENEWABLE FUELS ASSOCIATION et al v. UNITED
STATES ENVIRONMENTAL PROTECTION AGENCY et al
Assigned to: Judge James E. Boasberg
Cause: 05:552 Freedom of Information Act

Date Filed: 08/30/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**RENEWABLE FUELS
ASSOCIATION**

represented by **Matthew W. Morrison**
PILLSBURY WINTHROP SHAW
PITTMAN, LLP
1200 17th Street, NW
Washington, DC 20036
(202) 663-8036
Email: matthew.morrison@pillsburylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bryan Matthew Stockton
PILLSBURY WINTHROP SHAW
PITTMAN, LLP
1200 17th Street, NW
Washington, DC 20036
(202) 663-8407
Email: bryan.stockton@pillsburylaw.com
ATTORNEY TO BE NOTICED

Plaintiff

GROWTH ENERGY

represented by **Claire H. Chung**
WILMER CUTLER PICKERING HALE
& DORR LLP
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6000
Email: Claire.Chung@wilmerhale.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Mark Lehn
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
(202) 663-6910
Email: david.lehn@wilmerhale.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Matthew W. Morrison
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Seth Paul Waxman
WILMER CUTLER PICKERING HALE
& DORR LLP
1875 Pennsylvania Avenue NW

Washington, DC 20006
 (202) 663-6000
 Fax: (202) 663-6363
 Email: seth.waxman@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bryan Matthew Stockton
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
 ENVIRONMENTAL PROTECTION
 AGENCY**

represented by **Matthew Evan Kahn**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-6718
 Email: matthew.kahn@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNITED STATES DEPARTMENT
 OF ENERGY**

represented by **Matthew Evan Kahn**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/30/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5664971) filed by Renewable Fuels Association, Growth Energy. (Attachments: # <u>1</u> Exhibit A-V, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons USEPA, # <u>4</u> Summons UDOE, # <u>5</u> Summons USADC, # <u>6</u> Summons DOJ)(Morrison, Matthew) (Attachment 2 replaced on 8/30/2018) (zsth). (Entered: 08/30/2018)
08/30/2018	<u>2</u>	Corporate Disclosure Statement by Growth Energy, Renewable Fuels Association. (Morrison, Matthew) (Entered: 08/30/2018)
08/30/2018		Case Assigned to Judge James E. Boasberg. (zsth) (Entered: 08/30/2018)
08/30/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 08/30/2018)
08/30/2018	<u>4</u>	NOTICE of Appearance by Seth Paul Waxman on behalf of GROWTH ENERGY (Waxman, Seth) (Entered: 08/30/2018)
09/04/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- David M. Lehn, :Firm- Wilmer Cutler Pickering Hale and Dorr LLP, :Address- 1875 Pennsylvania Avenue, NW, Washington, DC 20006. Phone No. - 202-663-6910. Fax No. - 202-663-6363 Filing fee \$ 100, receipt number 0090-5670585. Fee Status: Fee Paid. by GROWTH ENERGY (Attachments: # <u>1</u> Declaration of David M. Lehn in Support of Motion, # <u>2</u> Text of Proposed Order)(Waxman, Seth) (Entered: 09/04/2018)
09/04/2018	<u>6</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Claire H. Chung, :Firm- Wilmer Cutler Pickering Hale and Dorr LLP, :Address- 1875 Pennsylvania Avenue NW, 20006. Phone No. - 202-663-6641. Fax No. - 202-663-6363 Filing fee \$ 100, receipt number 0090-5670812. Fee Status: Fee Paid. by GROWTH ENERGY (Attachments: # <u>1</u> Declaration of Claire H. Chung in Support of Motion, # <u>2</u>

		Text of Proposed Order)(Waxman, Seth) (Entered: 09/04/2018)
09/04/2018		MINUTE ORDER GRANTING <u>5</u> Motion for Admission <i>Pro Hac Vice</i> of DAVID M. LEHN. So ORDERED by Judge James E. Boasberg on 9/4/2018. (lcjeb3) (Entered: 09/04/2018)
09/04/2018		MINUTE ORDER GRANTING <u>6</u> Motion for Admission <i>Pro Hac Vice</i> of CLAIRE H. CHUNG. So ORDERED by Judge James E. Boasberg on 9/4/2018. (lcjeb3) (Entered: 09/04/2018)
09/06/2018	<u>7</u>	NOTICE of Appearance by Bryan Matthew Stockton on behalf of All Plaintiffs (Stockton, Bryan) (Entered: 09/06/2018)
10/02/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/19/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/19/2018. (Morrison, Matthew); Modified text on 10/9/2018 (tth). (Entered: 10/02/2018)
10/02/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/24/2018. (Morrison, Matthew) (Entered: 10/02/2018)
10/02/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 9/18/2018 (Morrison, Matthew) (Entered: 10/02/2018)
10/16/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF ENERGY served on 10/5/2018 (Morrison, Matthew) (Entered: 10/16/2018)
10/17/2018	<u>12</u>	NOTICE of Appearance by Matthew Evan Kahn on behalf of All Defendants (Kahn, Matthew) (Entered: 10/17/2018)
10/17/2018	<u>13</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 10/17/2018)
10/18/2018		MINUTE ORDER GRANTING Consent <u>13</u> Motion for Extension of Time to File Answer. The Court ORDERS that Defendants shall file their Answer by November 19, 2018. So ORDERED by Judge James E. Boasberg on 10/18/2018. (lcjeb3) (Entered: 10/18/2018)
10/18/2018		Set/Reset Deadlines: Answer due by 11/19/2018. (znbn) (Entered: 10/18/2018)
11/19/2018	<u>14</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Kahn, Matthew) (Entered: 11/19/2018)
11/20/2018		MINUTE ORDER: The Court ORDERS that the parties shall meet, confer, and submit a joint proposed briefing schedule by December 4, 2019. So ORDERED by Judge James E. Boasberg on 11/20/2018. (lcjeb3) (Entered: 11/20/2018)
11/20/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 12/4/2018. (znbn) (Entered: 11/21/2018)
12/04/2018	<u>15</u>	PROPOSED BRIEFING SCHEDULE by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 12/04/2018)
12/06/2018		ENTERED IN ERROR.....Set/Reset Deadlines/Hearings: Responses due by 1/31/2019. Status Conference set for 3/7/2019 at 10:00 AM in Courtroom 25 before Judge James E. Boasberg. (znbn) Modified on 2/22/2019 (znbn). (Entered: 12/07/2018)
12/07/2018		MINUTE ORDER: Per the parties' <u>15</u> Joint Proposed Schedule, the Court ORDERS that the parties submit a further joint status report by January 10, 2019. EPA and DOE should have completed their searches, and the parties will be in a better position to submit a proposed briefing schedule. So ORDERED by Judge James E. Boasberg on 12/7/2018. (lcjeb3) (Entered: 12/07/2018)

12/07/2018		Set/Reset Deadlines: Joint Status Report due by 1/10/2019. (znbn) (Entered: 12/07/2018)
01/02/2019	<u>16</u>	Consent MOTION to Stay by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew). Added MOTION for Extension of Time to on 1/2/2019 (tth). (Entered: 01/02/2019)
01/02/2019		MINUTE ORDER GRANTING <u>16</u> Motion to Stay. The Court ORDERS that Defendants shall file a status report within seven calendar days after Congress has appropriated funds for the Department of Justice and Defendants. So ORDERED by Judge James E. Boasberg on 1/2/2019. (lcjeb1) (Entered: 01/02/2019)
02/01/2019	<u>17</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 02/01/2019)
02/04/2019		MINUTE ORDER: The Court ADOPTS Defendants' <u>17</u> Status Report and ORDERS that they shall submit a status report by February 22, 2019, in which they outline EPA's production schedule and the status of DOE's final production. So ORDERED by Judge James E. Boasberg on 2/4/2019. (lcjeb3) (Entered: 02/04/2019)
02/04/2019		Set/Reset Deadlines: Status Report due by 2/22/2019. (znbn) (Entered: 02/04/2019)
02/21/2019	<u>18</u>	STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 02/21/2019)
02/22/2019		MINUTE ORDER: The Court ADOPTS Defendants' <u>18</u> Status Report and ORDERS that the parties shall file a joint status report on or before March 29, 2019. So ORDERED by Judge James E. Boasberg on 2/22/2019. (lcjeb3) (Entered: 02/22/2019)
02/22/2019		Set/Reset Deadlines: Joint Status Report due by 3/29/2019. (znbn) (Entered: 02/22/2019)
03/29/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Kahn, Matthew) (Entered: 03/29/2019)
04/01/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>19</u> Joint Status Report and ORDERS that they shall file another joint status report on or before April 29, 2019. So ORDERED by Judge James E. Boasberg on 4/1/2019. (lcjeb3) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Joint Status Report due by 4/29/2019. (znbn) (Entered: 04/01/2019)
04/29/2019	<u>20</u>	Joint STATUS REPORT by GROWTH ENERGY, RENEWABLE FUELS ASSOCIATION. (Morrison, Matthew) (Entered: 04/29/2019)
04/30/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>20</u> Joint Status Report and ORDERS that they shall file another joint status report on or before May 30, 2019. So ORDERED by Judge James E. Boasberg on 4/30/2019. (lcjeb3) (Entered: 04/30/2019)
04/30/2019		Set/Reset Deadlines: Joint Status Report due by 5/30/2019. (znbn) (Entered: 04/30/2019)
05/30/2019	<u>21</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 05/30/2019)
05/31/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>21</u> Joint Status Report and ORDERS that they shall file another joint status report on or before July 8, 2019. So ORDERED by Judge James E. Boasberg on 5/31/2019. (lcjeb3) (Entered: 05/31/2019)
05/31/2019		Set/Reset Deadlines: Joint Status Report due by 7/8/2019. (znbn) (Entered: 06/03/2019)
07/08/2019	<u>22</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kahn, Matthew) (Entered: 07/08/2019)

07/09/2019		MINUTE ORDER: The Court ADOPTS the parties' <u>22</u> Joint Status Report and ORDERS that they shall file another joint status report on or before August 9, 2019. So ORDERED by Judge James E. Boasberg on 7/9/2019. (lcjeb3) (Entered: 07/09/2019)
07/09/2019		Set/Reset Deadlines: Joint Status Report due by 8/9/2019. (znbn) (Entered: 07/09/2019)
07/12/2019	<u>23</u>	MOTION for Protective Order by UNITED STATES DEPARTMENT OF ENERGY, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Kahn, Matthew) (Entered: 07/12/2019)